United Nations A/66/344

General Assembly

Distr.: General
7 September 2011

Original: English

Sixty-sixth session
Item 69 (a) of the provisional agenda*
Promotion and protection of human rights: implementation of human rights instruments

Measures to improve further the effectiveness, harmonization and reform of the treaty body system

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolutions 65/200 and 65/204, in which the Assembly requested the Secretary-General to submit to it, at its sixty-sixth session, concrete and tailored proposals on the human rights treaty bodies building on the work of the Secretary-General pursuant to Human Rights Council resolution 9/8 of 24 September 2008 and of the treaty bodies in this regard, to improve their effectiveness and to identify efficiencies in their working methods and resource requirements in order to better manage their workloads, bearing in mind budgetary constraints and taking into account the varying burdens on each treaty body. The report also addresses Assembly resolution 64/173, in which the Assembly requested the chairs of the human rights treaty bodies to submit, through the United Nations High Commissioner for Human Rights, specific recommendations for the achievement of the goal of equitable geographical distribution in the membership of the human rights treaty bodies, for consideration by the Assembly at its sixty-sixth session.

The report provides information on the workloads faced by the treaty bodies and the current use of available resources. It also provides an update on the ongoing treaty body strengthening process, which is a process of reflection by relevant stakeholders, including treaty body experts, States parties, United Nations partners, national human rights institutions and civil society, on ways and means to strengthen the treaty body system. While noting that the proposals stemming from this process, including on the question of strengthening independence, availability and

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competence in the election of members and during their terms, will be compiled in a report that the High Commissioner will launch in 2012, the present report makes two proposals as to how current backlogs could be tackled in the short term and on how the system could work over the long term, without creating further backlogs in the future.

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I. Introduction

1. In its resolutions 65/200 and 65/204, the General Assembly authorized additional meeting time for the Committee on the Elimination of Racial Discrimination and the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requested the Secretary-General to submit to it, at its sixty-sixth session, concrete and tailored proposals on the human rights treaty bodies,[1] building on the work of the Secretary-General pursuant to Human Rights Council resolution 9/8 of 24 September 2008[2] and of the treaty bodies in this regard, to improve their effectiveness and to identify efficiencies in their working methods and resource requirements in order to better manage their workloads, bearing in mind budgetary constraints and taking into account the varying burdens on each treaty body.

2. The current arrangements have not allowed the treaty bodies to respond to their ever-growing workloads. In fact, the increasing workloads of all the treaty bodies have never been comprehensively costed, which has consequences for the timeliness with which the treaty bodies discharge the mandates entrusted to them under the treaties. In response to requests by the General Assembly, a review of extrabudgetary and regular resources available to all treaty bodies was undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR). Resources related to conference management were also considered. Workloads for nine treaty bodies were reviewed (the Committee on Enforced Disappearances has not yet received reports and is to begin its work in November 2011).

3. The treaty bodies are empowered by the treaties to adopt their own working methods and rules of procedure. In recent years, in the light of the challenges facing the system and with the encouragement of States parties, considerable efforts have been made by the treaty bodies to harmonize and improve their working methods and increase their efficiency and effectiveness. The United Nations High Commissioner for Human Rights has further encouraged this effort by initiating a process of reflection on the future of the system, a process to be concluded at the end of 2011. To date, the process has demonstrated that, in view of the complexity of the system, further time is required before the full implications of different proposals made to date can be assessed. And while not pre-empting the High Commissioner's compilation of proposals, which will be made available during the treaty body strengthening process, the present report presents two approaches to address the concerns of States parties as to the current, seemingly ad hoc, nature of requests by the treaty bodies for additional meeting time. According to the first proposal, the Secretariat would present, on a biennial basis, an adjusted comprehensive request for meeting time based on the number of reports submitted by States parties. For the biennium 2010-2011, the treaty body system would require

[1] Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Committee on the Rights of the Child, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Committee on the Rights of Persons with Disabilities, Committee on Enforced Disappearances.

[2] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1), chap. I.

a number of additional working weeks, in order to allow it to eliminate the current substantial backlog of State party reports pending review by the treaty bodies. The alternative to adjusting the calendar on a biennial basis would be to establish a fixed calendar, based on an assumed 100 per cent compliance by States parties with their reporting obligations.

4. The present report also addresses General Assembly resolution 64/173, in which the Assembly requested the chairs of the human rights treaty bodies to submit to it, at its sixty-sixth session, through the High Commissioner, "specific recommendations for the achievement of the goal of equitable geographical distribution in the membership of the human rights treaty bodies".

II. Challenges of workload and resource requirements resulting from the expansion of the treaty body system

5. The treaty body system is one of the success stories in the efforts by the United Nations to promote and protect human rights. Based on their legal commitments under the core international human rights treaties,[3] which they have ratified, States parties report periodically and publicly to the treaty bodies, which in turn assess the degree of fulfilment in implementing the treaties. This ongoing dynamic reporting function allows for a participatory process at the national level, which places human rights at the centre of governance. In addition, a number of treaties foresee the possibility for individuals and groups to present complaints about alleged violations of the treaties. The treaty body reporting process, with a follow-up function built into its periodicity, along with the individual communications procedures, represent crucial elements for ensuring the effective protection of all rights holders everywhere in the world. At the same time, the treaty bodies' independence guarantees a non-selective approach to all human rights, and their legal nature keeps them removed from risks of politicization. The accuracy and quality of the recommendations made by the treaty bodies are crucial attributes that need to be maintained and enhanced so that treaty body recommendations can be used effectively by all stakeholders to promote change at the national level.

6. However, the expansion of the treaty body system over the past 10 years brings with it a number of challenges in terms of workload and human and budgetary resource requirements. The expansion results from (a) the adoption of new instruments, resulting in the creation of new treaty bodies; (b) the expansion of the functions of existing bodies; and (c) the increased ratifications of existing treaties and optional protocols, which generate an increased workload in the form of reports and individual communications to be examined. Increased ratification has also triggered an increase in the membership of some treaty bodies, in accordance with the relevant treaty provisions.

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[3] International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention on the Rights of Persons with Disabilities, International Convention for the Protection of All Persons from Enforced Disappearance.

Adoption of new instruments

7. Since the adoption in 1965 of the first human rights treaty, the International Convention on the Elimination of All Forms of Racial Discrimination, the human rights treaty system has grown continuously and today consists of nine core treaties and eight optional protocols. With each new treaty comes a treaty body mandated to promote implementation of the treaty. In the past decade, four new treaty bodies have been created: the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of Persons with Disabilities, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Committee on Enforced Disappearances. Some treaty bodies have received additional mandates, for instance to consider individual complaints, through the adoption of optional protocols. Two new optional protocols have entered into force in the past five years and another one is under consideration.[4] Each addition to the system generates extra workload for the treaty bodies and the Secretariat.

Increased ratification of instruments

8. One positive side-effect of the introduction of the universal periodic review of the Human Rights Council has been increased ratification and, increasingly, more timely reporting by States under the international human rights treaties. In 2000, there were a total of 927 ratifications of the six core international human rights treaties. By August 2011, this figure had risen to 1,206 ratifications to the nine core international human rights treaties. Each ratification has a direct impact on the workload of the treaty bodies, since each State party is required to submit reports periodically to them for review. The two Optional Protocols to the Convention on the Rights of the Child include a separate one-time reporting requirement, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is mandated to undertake country visits, but has no reporting requirement as such.[5] The increase in ratifications is reflected in the increased number of reports due, even while taking into account that approximately one third of States submit their reports according to the due dates established in the treaties. As of May 2011, 621 reports were overdue, as detailed in table 1.

[4] The two optional protocols are the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has not yet entered into force. A draft text for a third optional protocol to the Convention on the Rights of the Child on a communications procedure was adopted by the Human Rights Council in June 2011.

[5] The two Optional Protocols to the Convention on the Rights of the Child, which came into force in 2002, impose additional reporting obligations on States parties and have between them 284 ratifications. This has resulted in a temporary additional workload for the Committee on the Rights of the Child to consider initial reports. Including ratifications of the two Optional Protocols under the Convention on the Rights of the Child and the Optional Protocol to the Convention against Torture, the total number of ratifications amounts to 1,550 States parties, as of August 2011.

Table 1
Overdue reports

Treaty	*Number of initial reports*	*Number of periodic reports*
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	30	28
International Covenant on Civil and Political Rights	30	61
International Convention on the Elimination of All Forms of Racial Discrimination	14	78
Convention on the Elimination of All Forms of Discrimination against Women	15	38
International Covenant on Economic, Social and Cultural Rights	38	45
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	22	4
Convention on the Rights of the Child	3	51
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	51	Not applicable
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	72	Not applicable
Convention on the Rights of Persons with Disabilities	41	
Total	**316**	**305**

9. Similarly, increased acceptance of the individual communications procedures creates additional work for the treaty bodies, as it enables a larger number of groups and individuals to present complaints about alleged violations of the treaties.[6] The number of country visits that should be conducted by the Subcommittee on Prevention of Torture also grows, with each new ratification of the Optional Protocol to the Convention against Torture. As of August 2011, there were 378 acceptances by States of the competence of treaty bodies to receive individual communications. At the moment, the total number of cases submitted under the communications procedures and pending decision by the respective treaty body is 459 (of which 333 cases for the Human Rights Committee and 103 for the Committee against Torture). The Human Rights Committee adopts an average of 30 final decisions concerning individual communications at each of its sessions, representing a total of about 90 final decisions every year, and registers on average, over 100 cases per year, a figure that is likely to increase. Both States parties and petitioners have been complaining about the length of time it takes for both the

[6] Competence to consider individual communications may be conferred on certain treaty bodies by means of ratification of the relevant optional protocols (in the case of the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities), or by a declaration under the relevant provision of the treaty in question (art. 14 of the International Convention on the Elimination of All Forms of Racial Discrimination; art. 22 of the Convention against Torture; art. 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and art. 31 of the International Convention for the Protection of All Persons from Enforced Disappearance). The competence of two treaty bodies (the Committee on Economic, Social and Cultural Rights and the Committee on Migrant Workers) has not yet entered into force.

Human Rights Committee and the Committee against Torture to take a final decision in cases submitted to them. Sufficient time and resources for the consideration of individual communications needs to be provided.

10. Under the terms of the relevant treaties, increased ratifications have triggered increases in membership for the Committee on the Rights of the Child, the Committee on Migrant Workers, the Committee on the Rights of Persons with Disabilities and the Subcommittee on Prevention of Torture, raising the total number of treaty body experts from 74 in 2000 to 172 in 2011. Increased membership eases the heavy workload that must be entrusted to individual members, but results in increased costs in terms of travel, daily subsistence allowance entitlements and support from OHCHR staff (e.g. in assisting experts before, during and after the sessions). At the same time, increased membership does not necessarily increase the capacity of the committee as a whole to discharge its work, as the adoption of all conclusions must be approved in plenary. The increasing workload has obliged the treaty bodies to experiment with different ways of operating. While this improves efficiency, it also incurs significant costs, such as meeting in parallel chambers or scheduling more State party reports per session by reducing the amount of formal meeting time reserved for each report. Despite such measures, many treaty bodies still do not manage to keep pace with the reports they receive.

Current backlogs of reports and individual communications pending consideration

11. As of May 2011, 263 reports were pending consideration under the nine treaty bodies with a reporting procedure (excluding the Committee on Enforced Disappearances). In addition, as mentioned in paragraph 9 above, 459 communications submitted under the relevant individual complaints mechanisms are also pending consideration by the treaty bodies concerned.

12. The Committee on the Rights of Persons with Disabilities is a good illustration of the severity of the situation. The initial reports under the Convention were due in 2010; as of July 2011, 16 initial reports had been submitted, from a total of 90 reports due from States parties by the end of 2011. The Committee requires one full day (two meetings) for each review and a half day for discussion and adoption of concluding observations. With only two weeks of meetings currently allocated per year, the Committee's approved meeting time is vastly insufficient and the backlog is set to increase.

Requests for additional meeting time

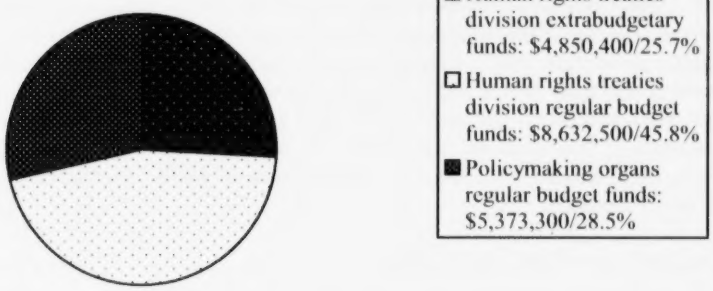
13. The total meeting time devoted to the work of the treaty bodies has risen during the past decade from 51 weeks in 2000 to 72 weeks for 2011. Some of this increase results from the advent of new treaty bodies (10 weeks). In recent years, faced with increasing backlogs of reports and communications, some treaty bodies have requested additional meeting time, which has been granted in most cases on a temporary basis, although the General Assembly, in its resolution 62/218 did grant one extra annual session to the Committee on the Elimination of Discrimination against Women on an indefinite basis. An evaluation of the use of additional meeting time by the human rights treaty bodies was presented to the General Assembly in August 2010 (A/65/317). One of its conclusions was that "requests for additional meeting time are symptomatic of the increasing workload faced by the human rights treaty body system as a whole". Present allocations of meeting time to

treaty bodies remain inadequate and the current arrangements for approving meeting time do not allow the treaty bodies the flexibility to respond to increases in their workload in a timely fashion. Consequently, reports cannot be reviewed expeditiously and, as the information in reports becomes outdated, they require updating, resulting in higher costs and longer delays owing to the need for increased research and discussion by the treaty body as well as supplementary documentation (list of issues and replies thereto). At some point, when the delays in reviewing State party reports exceed the periodicity foreseen under the relevant treaty, the system will collapse.

III. Human and financial resources supporting treaty body work

14. The Division of Conference Management of the United Nations Office at Geneva provides conference services to the treaty bodies, while OHCHR provides substantive and secretariat support. As the activities and services in support of the treaty bodies are mandated by the international treaties, they are core activities of the Organization and should be financed from the regular budget. This has not proved sufficient, however, and OHCHR additionally draws on voluntary contributions in order to more adequately support the treaty bodies. In 2010, voluntary contributions accounted for 25.7 per cent of the total resources utilized by OHCHR for this purpose. In 2010, the amount of $18,856,200 (from the regular budget and extrabudgetary resources, as illustrated in the figure below) was available from the human rights programme, while an amount of $30 million was estimated to have been used from the conference management side.

2010


Human rights treaties division extrabudgetary funds: $4,850,400/25.7%
Human rights treaties division regular budget funds: $8,632,500/45.8%
Policymaking organs regular budget funds: $5,373,300/28.5%

15. While the committee members do not receive a salary for the work they accomplish, the United Nations covers the cost of their travel to participate in the sessions of the committees. This accounts for a large percentage of the overall costs of the treaty bodies. The budget for their travel has increased from $4,323,900 for the biennium 2000-2001 to $10,746,500 for the biennium 2010-2011, a reflection of the increase in membership from 74 experts in 2000 to 172 experts in 2011. The actual costs have outpaced the increase in the approved budget. The expansion of the system has also had a significant impact on staffing to support its functioning. In 2010, approximately 30 staff members were employed to assist the professional treaty

body secretaries that support the nine committees (excluding the new Committee on Enforced Disappearances). This included staff funded from voluntary contributions. A review of the workload for all committees estimates that the staff level fell 14 members short of minimum staffing requirements to provide adequate support.

16. Each increase in the size and scope of the treaty body system generates additional resource requirements. While accepting many of these increases, the General Assembly has not in general provided the full amount of corresponding resources needed. Recent examples include the approval of temporary additional meeting time for the Committee against Torture and the Committee on the Elimination of Racial Discrimination, for which no additional staff were approved, and the growth in membership and corresponding workload of the Subcommittee on Prevention of Torture, for which only a portion of the additional support staff was approved. Also, while States continue to ratify treaties and report more regularly, the increased workloads for the committees and the supporting staff have never been reflected through commensurate supplementary resources for each treaty body. It is noteworthy that the permanent annual meeting time allocation of the oldest treaty body, the Committee on the Elimination of Racial Discrimination, remains what it was in the mid-1970s, yet the number of States parties has more than doubled.[7] It may be time for a wholesale review of the resource requirements of the treaty system that will enable it to function optimally.

IV. Towards a proper mechanism for assessing the meeting time and resource requirements of the treaty bodies

17. Under the terms of each treaty, treaty bodies are empowered to adopt their own rules of procedure and working methods, leading to some variations in the way in which they each undertake their work. There are also variations in the treaties concerning periodicity for the submission of reports, ranging from one to two years for initial reports and from two to five years for subsequent periodic reports. This has an impact on the potential workload of each committee. These variations should be borne in mind when drawing comparisons between the different committees.

Current use of meeting time

18. While the treaty bodies are confronted with a wide range of demands on their time, the core activity for 9 of the 10 treaty bodies remains the consideration of State party reports.[8] A review of the use of meeting time in 2010 revealed that treaty bodies used on average 81 per cent of their time for the review of reports and, if so mandated, individual communications.[9] This includes the analysis of the State party

[7] In 1975, when there were 84 States parties, the Committee met for two sessions of three weeks each. By August 2011, there were 174 States parties. The temporary annual additional meeting time of two weeks will expire at the end of 2012.

[8] The tenth treaty body is the Subcommittee on Prevention of Torture, which is mandated to conduct visits in places where people are deprived of their liberty.

[9] The Committee on the Rights of Persons with Disabilities is not included in this global figure for 2010, as the Committee was still in the process of elaborating and adopting its rules of procedure, reporting guidelines and working methods at the time. The mandate of the Subcommittee on Prevention of Torture being different from that of the other treaty bodies, it is similarly not included.

reports; the preparation and adoption of lists of issues, or, the preparation and adoption of lists of issues prior to reporting; the organization of formal meetings with relevant stakeholders in the context of the reporting procedure; the holding of the dialogue with the State party delegations; the adoption of concluding observations and follow-up to treaty body recommendations; and the consideration of individual communications, for those treaty bodies so mandated.

19. The remaining 19 per cent of treaty body meeting time in 2010 was used for activities such as the formal opening and closing of sessions; informal meetings with States parties; the elaboration of general comments or recommendations; days of general discussion; the adoption or revision of rules of procedure and reporting guidelines; inquiries; and the early-warning measures and urgent action procedures of the Committee on the Elimination of Racial Discrimination. It should be noted that almost half of this meeting time was used by the treaty bodies to discuss improvement and harmonization of their working methods, including new reporting methods such as the lists of issues prior to reporting, which, with their corresponding replies, replace the traditional State party report. In addition, OHCHR facilitated well-attended retreats for all treaty bodies, held on Saturdays, while treaty body experts were in session in Geneva, between October 2010 and May 2011, to discuss such issues. Discussions on the improvement and harmonization of working methods have become even more important in the context of the ongoing treaty body strengthening process and further to the request from State parties for proposals to be more efficient.

Allocation of meeting time for consideration of reports

20. Treaty bodies normally spend one full day to consider a State party periodic report in plenary, approximately half a day per report to prepare for the face-to-face dialogue with the State party delegation (usually through the adoption of lists of issues in a pre-sessional working group), and another half a day per report to adopt the corresponding concluding observations. Thus, with slight variations, the treaty bodies generally follow an allocation of two full days of formal meeting time per State party report, which they consider adequate to undertake a proper evaluation of the situation of human rights in a State under review. This translates into an average of 2.5 State party reports that can be reviewed per week, if the treaty body focuses only on the review of State party reports.

21. At present, only one third of States parties comply in a timely manner with their reporting obligations[10] and, even at this poor level of compliance, the treaty bodies are faced with serious difficulties to address the current workload. The observation, made by an independent expert reporting on the same issue to the United Nations in 1997, that the treaty system "can function only because of the large-scale delinquency of States" remains true today (see E/CN.4/1997/74, para. 48). The first treaty bodies' calendars of meetings were established on the basis of reports received rather than the total number of reports due for each treaty. This has become the pattern with respect to all the treaty bodies, which has resulted in the situation today where any increase in meeting time must be justified as an exception from the norm, rather than approved within the parameters of the normal workload of a committee deriving from its treaty mandate.

[10] The percentage of timely submission to treaty bodies for the period 2008-2010 is: 35.1 per cent.

Options for a better allocation of meeting time and resources

22. To provide the treaty bodies with sufficient meeting time to undertake their work in considering State party reports efficiently and effectively, two options might be considered: (a) an interim biennial calendar reflecting temporary increases in meeting time, sufficient to enable the treaty bodies to eliminate the backlog of reports actually pending examination; or (b) a permanent biennial fixed calendar, which allocates meeting time according to the number of States parties and the number of reports due. It should be noted that the two options are mutually compatible.

Interim biennial calendar: allocation of meeting time according to the actual backlog of reports pending and projections of reporting rates

23. The first option presented is the idea of an interim biennial calendar to tackle the current backlogs in reports pending consideration (263 reports as of May 2011) and prevent the establishment of new backlogs. It would seek to introduce an element of flexibility into the current arrangement, allowing the treaty bodies to request an allocation of meeting time for each biennium based on the actual backlog of reports pending and projected rates of reporting by States. The aim would be to allow sufficient meeting time to be allocated in each biennium to prevent backlogs from becoming unmanageable. It would allow the long-term management of the workload in accordance with fluctuations in the receipt of reports and individual communications.

24. To illustrate this proposal on the basis of current needs: in order to review the 263 reports currently pending consideration by the treaty bodies, a total of 106 weeks are required collectively by the treaty bodies. This figure does not include meeting time for other activities, including consideration of individual communications. The figures for each committee are specified in table 2.

Table 2
Current backlog of pending reports and meeting time requirements to eliminate the backlog

Treaty	*Number of reports pending before the committee (as of 3 May 2011)*	*Number of weeks required to consider the backlog of reports (based on 2.5 reports in five days)*	*Approved allocation (in weeks) of annual meeting time in 2012 (excluding time used for individual communications)*
International Convention on the Elimination of All Forms of Racial Discrimination	15	6	7
International Covenant on Economic, Social and Cultural Rights	43	17	8
International Covenant on Civil and Political Rights	23	9	6
Convention on the Elimination of All Forms of Discrimination against Women	44	18	12
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	28	11	7
Convention on the Rights of the Child	52	21	12
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	19	8	[a]
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	20	8	[a]
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	9	4	3
Convention of the Rights of Persons with Disabilities	10	4	2
International Convention for the Protection of All Persons from Enforced Disappearance	—	—	2
Total	**263**	**106**	**59**

[a] See para. 27 below.

25. The figures indicate that the current allocation of meeting time is insufficient to deal with the current backlog of reports pending consideration while keeping abreast of additional reports continuously being received. When other activities are taken into account, and in particular the backlog of individual communications faced by some committees, the shortfall is greater still. Precise figures are difficult to pinpoint since reports are continuously being received and reviewed. While some delay is necessary between receipt and review of a report in order to prepare for the review process, reports should not normally be pending for more than one year. However, as a minimum requirement, the treaty bodies need approximately 106 weeks to review the reports currently pending before them within a one-year time frame, whereas the allocation (for 2012) is 59 weeks to review State party reports. In other words, there is a shortfall of a minimum of 47 weeks for the next year, based on the assumption that current reporting levels are maintained (around 140 reports received annually).

26. In order to continuously tackle workloads adequately, for each biennium the situation would need to be reassessed within the context of the regular budget submission and based on the actual number of incoming reports.

Permanent biennial calendar: allocation of meeting time according to number of reports due

27. This option would reinforce the universal and non-discriminatory nature of the work of the treaty bodies, by allocating the full amount of meeting time required to accommodate compliance by States parties with their reporting obligations. As an example, a treaty that provides for a reporting periodicity of four years and which is ratified by 160 States parties would have to consider 40 reports per year. Given that a committee can examine approximately 2.5 State party reports per week, the treaty body would have to meet for 16 weeks annually. The Convention on the Rights of the Child, as a convention that has nearly reached universal ratification but has a five-year reporting periodicity, would require a similar figure (15.5 weeks per year) to deal only with the reports due under the Convention on the Rights of the Child. However, it also needs additional time, for the foreseeable future, to review the considerable number of initial reports under the two Optional Protocols (see table 22).

28. The meeting time required by all nine treaty bodies that consider State party reports could be consolidated in a comprehensive meeting calendar, which could ensure that no State party is confronted with requests to report to and dialogue with an unmanageable number of treaty bodies one year, and few or none another year. Care could be taken to ensure an orderly and reasonable lapse of time between deadlines and the sessions at which a delegation is expected, with respect to each State party.

29. This option would provide certainty for the treaty bodies and for States parties. It would eliminate the ad hoc nature of the current requests for additional meeting time, making them a permanent feature of the budgetsetting process. It would depend on strict compliance with reporting obligations, which would be strongly encouraged by the new procedure currently being tested by some treaty bodies[11] of preparing lists of issues prior to reporting.[12] If a State failed to report, the review could proceed even in the absence of a report. The need for meeting time would therefore remain constant. This solution would enhance the efficiency of the treaty bodies' working methods as well as the effectiveness of the reporting process as an aid to successful implementation, by all States parties, of their human rights obligations. By not depending on the willingness or initiative of a State party to submit a report, but rather ensuring periodic scrutiny of all States parties on an equal basis in accordance with a calendar known well in advance to all stakeholders, this option would enhance predictability, facilitate planning by all, and improve the effectiveness and outreach of the treaty bodies. Best practices could be imported from the Human Rights Council which has adopted a similar calendar for its universal periodic review. At the same time, treaty bodies would need to meet for more time each year, making them more costly than now to support. In conclusion,

[11] This new optional reporting procedure has been adopted by the Committee against Torture, the Human Rights Committee and the Committee on Migrant Workers.

[12] In the experience of the treaty bodies that have adopted this procedure, States parties are much more likely to send replies to a tailored list of issues, as is the list of issues prior to reporting, than to respond to a general reminder to submit a report according to generic reporting guidelines.

if the nine treaty bodies with a reporting procedure, including the newly established Committee on Enforced Disappearances, were to adopt this idea, some treaty bodies would be in session for over a third of the year, without having reviewed individual communications or undertaken other tasks.

30. The figures under this option for each treaty body, based on current ratifications, are presented in table 3.

Table 3

Meeting time requirements for consideration of State party reports based on a permanent biennial calendar for review of all States parties within the reporting cycle

Treaty	*Number of States parties (number of reports due in reporting cycle)*	*Reporting cycle (years)*	*Number of weeks required annually to consider reports (based on 2.5 reports in five days)*	*Approved allocation of annual meeting time (in weeks) and per treaty body for all its mandated activities*
International Convention on the Elimination of All Forms of Racial Discrimination	174	2 (4)[a]	18	6
International Covenant on Economic, Social and Cultural Rights	160	5[b]	13	8
International Covenant on Civil and Political Rights	167	4[b]	17	12
Convention on the Elimination of All Forms of Discrimination against Women	187	4	19	14
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	149	4	15	6
Convention on the Rights of the Child	193	5	16	12
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	44	5	4	3
Convention of the Rights of Persons with Disabilities	103	5	9	2
International Convention for the Protection of All Persons from Enforced Disappearance	29	2[c]	6	2
Total	**1 206**	**Not applicable**	**117**	**65**

[a] The Convention sets a periodicity of reports every two years. In practice, the Committee normally accepts combined reports every four years.

[b] The covenants do not establish a fixed periodicity. The Committee on Economic, Social and Cultural Rights has established a five-year cycle. The Human Rights Committee, in its concluding observations, sets a date for the next report, which is, on average, expected within four years.

[c] The Convention only requires an initial report within two years of ratification. The Committee will determine subsequent reporting requirements.

31. The figures indicate that the current allocation of meeting time of 65 weeks to deal with State party reporting, individual communications and other matters, is insufficient. If they were to concentrate only on reviewing State party reports, from all States parties, treaty bodies would require a minimum of 117 weeks of meetings, annually. In addition, they would require time for other mandated activities, including the consideration of individual communications.

Calculation of resources

32. An approximate estimate of resource requirements to extend, for five days, a meeting in Geneva, based on a treaty body with 18 members working in four languages (including interpretation and translation of some 270 pages, i.e. reviewing 2.5 State party reports during that week), would be, as a minimum, around USD 630,000 (of which USD 520,000 for conference services, around USD 78,000 for the daily subsistence allowance of the experts and around USD 32,000 to cover 2.5 work months of a P-3 staff member[13]). In cases where a committee cannot tackle the review of all State party reports and/or its backlog through adding additional meeting time to an existing session, and would need an additional session to do so, in addition, around USD 68,000 would be required to cover the travel costs of 18 experts to Geneva.

V. Action of the Office of the United Nations High Commissioner for Human Rights to increase the efficiency of the treaty body system

33. While facilitating the comprehensive treaty body strengthening process involving all stakeholders, the Office of the United Nations High Commissioner for Human Rights is conducting, in parallel, a number of activities to increase the efficiency of the treaty bodies within existing resources and constraints.

34. The Office significantly enhanced its flow of information towards the treaty body experts, special procedures mandate holders, United Nations partners, national human rights institutions and non-governmental organizations, with a view to increasing coherence and consistency of the outputs of the different human rights mechanisms. The Universal Human Rights Index, hosted on the website of OHCHR, is an important reference tool in this regard, which increases the visibility and accessibility of the treaty body system. It compiles recommendations made by all human rights mechanisms in a database, searchable by themes or countries. The idea of webcasting of all treaty body sessions has increasingly being proposed, by different stakeholders, during the consultations that have taken place in the context of the treaty body strengthening process.

35. The Office also contributes to the effective implementation, at the national level, of treaty body and other human rights mechanism recommendations by responding to requests from States parties for trainings on reporting to the treaty bodies and follow-up to concluding observations, often in partnership with other organizations. OHCHR contributes to the extent possible to such activities,

[13] As estimated by the Office of the United Nations High Commissioner for Human Rights, based on experience in servicing treaty bodies at 20 work days per State party report.

including by tailoring training materials to targeted audiences and through sending resource persons from its staff or the treaty bodies.

36. The treaty bodies themselves have taken a number of positive initiatives such as the progressive harmonization of treaty body procedures and working methods (common treaty body approach to reservations, consolidated guidelines for the common core document and treaty-specific documents, establishment of a working group on common approaches to follow-up). States parties have welcomed this harmonization process, and several (46 to date) have submitted common core documents and treaty-specific documents.

37. As the most recent example, the Committee on Economic, Social and Cultural Rights, which was the only treaty body reviewing State party periodic reports over the course of three meetings, has taken a decision, in principle, to reduce this consideration to two meetings, as is done by all other treaty bodies, in order to alleviate its backlog by considering a greater number of reports per session. Having said this, proposals and measures to enhance efficiency of the treaty bodies do not necessarily produce savings. To the contrary, reviewing more State party reports per session reduces the backlogs but increases documentation and staff support requirements, and will consequently cost more.

38. With regard to General Assembly resolution 64/173, in which the Assembly requested the chairs of the human rights treaty bodies to submit to it, through the High Commissioner, "specific recommendations for the achievement of the goal of equitable geographical distribution in the membership of the human rights treaty bodies", it is recalled that members of treaty bodies are nominated and elected by States parties in accordance with the provisions of each human rights treaty (with the exception of the Committee on Economic, Social and Cultural Rights, which is governed by Economic and Social Council resolution 1985/17). To help them to elect the most suitable candidates, including with respect to the goal set forth in resolution 64/173, OHCHR has made significant efforts to facilitate the attainment of this goal by promoting transparency in elections. For example, information is now publicly released as early as possible about upcoming elections for seats on the treaty bodies and candidatures, including curricula vitae, as they are received. Full information about the geographical and gender composition of all treaty bodies is always publicly available through the website of OHCHR and circulated again as part of the documentation of all elections. Following a suggestion that was made during the consultation with States parties, held in Sion, Switzerland, in May 2011, OHCHR prepared a background note on the committee that was next due to hold an election, namely the Committee on Migrant Workers, about the implications of membership to this body, with a view to aiding States parties in their search for suitable qualified candidates. Feedback received on its utility will inform OHCHR on how to proceed with more such notes on the occasion of future elections.

39. Also, at the twenty-third meeting of chairpersons of treaty bodies, held in Geneva on 30 June and 1 July 2011, the chairpersons decided to prepare a guidance document on eligibility and independence of treaty body members, to be adopted at its next meeting. Such guidance may in the long term facilitate nominations from all regions, including through raising awareness and enhancing clarity on the process and requirements.

VI. Update on the treaty body strengthening process

40. In light of the increasing pressure on the treaty body system, described above, the High Commissioner, in September 2009, took the initiative to launch a process of reflection by relevant stakeholders, including treaty body experts, States parties, United Nations partners, national human rights institutions and civil society, on ways and means to strengthen the treaty body system.

41. Further to the call of the High Commissioner, the Office has encouraged and facilitated a dialogue among different stakeholders to elaborate ideas and proposals for strengthening the treaty body system. Consultations were organized by a variety of external actors, such as those held in Poznan, Poland, for treaty body experts, as well as two meetings in Seoul and in Pretoria (South Africa) for civil society organizations. On 12 and 13 May 2011, representatives of approximately 90 countries met in Sion, at the invitation of the High Commissioner and the nine chairpersons of the human rights treaty bodies. Discussions focused, in particular, on the State party reporting process, namely the preparations for a report at the national level; constructive dialogue; the independence and expertise of treaty body members; and on the implementation of treaty body recommendations at the national level. The consultation process will continue with meetings for academics and for United Nations entities and regional human rights mechanisms. Both meetings will take place in Luzern, Switzerland. A final wrap-up meeting is planned, to be held in Dublin, in November 2011. In addition, retreats with all treaty body experts were organized on Saturdays, when committees were in session in Geneva, to brainstorm on the topics selected for discussion at the twenty-third meeting of treaty body chairpersons and the twelfth inter-committee meeting (both held in June 2011), and to reflect on ways and means to strengthen the treaty body system and identify options for the future of their work. At the twenty-third meeting of chairpersons, they discussed the challenges resulting from limited financial resources and expressed concern that their meeting and the inter-committee meeting were increasingly overlapping. The chairpersons agreed that the inter-committee meeting, financed from voluntary contributions since its inception in 2002, should be discontinued in its current format. Instead, and subject to availability of funds, ad hoc thematic working groups could be established, at the request of the chairpersons.

42. The different proposals made by stakeholders to date can be consulted on the website of OHCHR. The High Commissioner will submit a compilation of proposals stemming from the whole consultation process, in early 2012.

VII. Conclusions and recommendations

43. **In the context of its continued expansion, the treaty body system needs to be adequately resourced. A lack of resources is weakening States parties' accountability under international human rights law. All funding to the treaty bodies should come from the regular budget, as they are core activities of the Organization mandated by the international treaties.**

44. **The treaty bodies have continued their efforts to harmonize their working methods. However, there are limits to harmonization, owing to the specificity of the respective treaties, and to the impact that harmonization can have on the**

capacity of treaty bodies to cope with the sheer volume of State party reports and individual communications to be reviewed by those bodies. In addition, measures that increase efficiency in dealing with the volume of work or in ensuring an enhanced protection and promotion of human rights at the national level, might not reduce but increase the need for additional resources (e.g. in relation to webcasting, or reviewing a greater number of State party reports within existing meeting times).

45. The treaty body strengthening process will end with a wrap-up meeting scheduled to take place in Dublin, from 10 to 11 November 2011, gathering the conveners of the previous consultations that have taken place in the context of this process and the chairs of the treaty bodies. Following this event, the High Commissioner will present a final report compiling all relevant proposals made during this process, in early 2012.

46. Two proposals are suggested in this report. The first one attempts, in the short term, to reduce current backlogs through additional meeting time and would entail the presentation, on a biennial basis, of an adjusted comprehensive request for meeting time, based on actual workloads, to deal with submitted State party reports. The second proposal enables long-term planning through a fixed calendar based on 100 per cent compliance with State party reporting obligations. Both proposals result in an increase in the current meeting time allocations, allow the treaty bodies to plan sessions more efficiently and either deal with current backlogs or ensure the review of all State party reports.

47. The growth of the treaty body system has never been reflected through commensurate resources for each treaty body. Reviews of staffing or financial needs only take place in an ad hoc manner upon the adoption of a decision to request additional meeting time, or when a treaty passes a milestone for expansion. Apart from these triggering events (in which the estimated requirements are rarely fully approved), there has been no comprehensive review of the workload and resourcing of the treaty bodies. Such a review should, in fact, take place periodically. The General Assembly may consequently wish to undertake such a comprehensive review of the resources for the treaty body system as a whole, taking into account both its current needs (based on the level of actual compliance of States parties with their reporting obligations), and its projected needs (based on strict compliance of States parties with the reporting obligations under each treaty).